

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAUL DAVID JOHNSON,)	
)	
Petitioner,)	No. C 09-3373 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
GARY SWARTHOUT, Acting Warden,)	
)	
Respondent.)	

Petitioner, a state prisoner currently incarcerated at California State Prison, Solano, has filed a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254. His first petition was denied on the merits on November 14, 2006. See Johnson v. Runnels, No. C 04-5072 CRB (PR) (N.D. Cal. Nov. 14, 2006) (order).

A second or successive petition may not be filed in this court unless petitioner first obtains from the United States Court of Appeals for the Ninth Circuit an order authorizing this court to consider the petition. See 28 U.S.C. § 2244(b)(3)(A). Petitioner has not obtained such an order from the Ninth Circuit. The petition accordingly is DISMISSED without prejudice to refiling if petitioner obtains the necessary order.

The clerk shall terminate all pending motions as moot and close the file.

SO ORDERED.

DATED: Nov. 10, 2009



CHARLES R. BREYER
United States District Judge